

NATIONAL RAILROAD ADJUSTMENT BOARD

THIRD DIVISION

Award Number 24222
Docket Number MS-24393

Robert W. McAllister, Referee

PARTIES TO DISPUTE: (International Brotherhood of Teamsters, Local 808
(Long Island Rail Road

STATEMENT OF CLAIM: Return to service of Claimant John Svirdoff with full pay for all time held out of service.

OPINION OF BOARD: John Sviridoff, the Claimant is a trackman employed by the Carrier since 1970. Acting upon the information developed at a trial held July 16, 1981, the Carrier dismissed the Claimant from service for falsification of his employment application.

The facts set forth in the record are undisputable. On March 23, 1970, the Claimant filled out an employment application and answered negatively to the following question: "Have you ever been arrested? (Don't count traffic violations.)" On July 2, 1981, the Carrier was anonymously informed Claimant had a criminal record dating back to 1950. At the trial held on July 16, 1981 the Claimant admitted he answered "No" despite the fact he had a previous arrest record.

The Organization, notwithstanding this admission, argues that Rule 9(B) grants the Carrier the right to bring charges against an employee only during his first sixty days of service. It contends Rule 9(B) controls in this matter and Carrier has exhausted all reasonable time limits within which to charge the Claimant.

This Board concurs with the Carrier that Rule 9 does not prohibit dismissal of an employee for falsification of an employment application after sixty days of employment. The Claimant's employment status was obtained under false pretenses. This Board has clearly and consistently addressed like issues by holding the Carrier to be fully within its rights to terminate individuals who falsify employment applications regardless of length of service. We add this decision to that body of unambiguous holdings.

FINDINGS: The Third Division of the Adjustment Board, upon the whole record and all the evidence, finds and holds:

That the parties waived oral hearing;

That the Carrier and the Employees involved in this dispute are respectively Carrier and Employees within the meaning of the Railway Labor Act, as approved June 21, 1934;

That this Division of the Adjustment Board has jurisdiction over the dispute involved herein; and

That the Agreement was not violated.

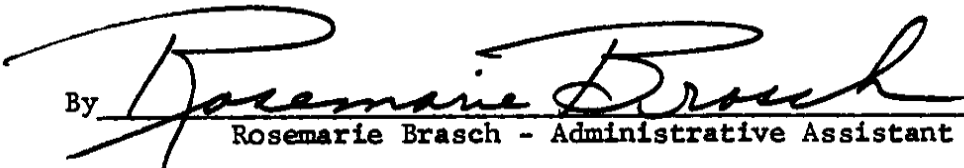
A W A R D

Claim denied.

NATIONAL RAILROAD ADJUSTMENT BOARD
By Order of Third Division

Attest: Acting Executive Secretary
National Railroad Adjustment Board

By


Rosemarie Brasch - Administrative Assistant

Dated at Chicago, Illinois, this 14th day of March 1983.

